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7	Attorneys for Complainant		
8	BEFORE THE BOARD OF REGISTERED NURSING		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against:	Case No. 2011-375	
12	KELECHI UGONNA OLUKAIKPE	ACCUSATION	
13	1400 Barton Road, Apt. # 1614 Redlands, CA 92373	·	
14	Registered Nurse License No. 585703		
15	Respondent.		
16			
17	Complainant alleges:		
18	<u>PARTIES</u>		
19	1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her		
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),		
21	Department of Consumer Affairs.		
22	Registered Nurse License		
23	2. On or about August 16, 2001, the Board issued Registered Nurse License Number		
24	585703 to Kelechi Ugonna Olukaikpe ("Respondent"). The registered nurse license was in full		
25	force and effect at all times relevant to the charges brought herein and will expire on June 30,		
26	2011, unless renewed.		
27			
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		1	

ACCUSATION

#### STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
  - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action....

### **COST RECOVERY**

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

# FIRST CAUSE FOR DISCIPLINE

# (Disciplinary Action by the Texas State Board of Nursing)

7. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Texas State Board of Nursing ("Texas Board"), as follows:

- 8. On or about April 23, 2004, pursuant to a Order of the Board, in the disciplinary action entitled *In the Matter of Permanent Certificate Number 681955 Issued to Kelechi Ugonna Olukaikpe*, the Texas Board issued a Suspension of Respondent's nursing license.
  - 9. The Texas Board based its Order on the following facts:
  - a. On or about March 25, 2002, Respondent was employed as an RN at Town Estates Nursing Home located in the city of Keene, Texas;
  - b. On or about March 25, 2002, Respondent failed to document an assessment of the elements and signs of death that influenced her decision not to initiate cardiopulmonary resuscitation on a resident who had cerebral palsy, and was found unresponsive. The resident subsequently died.
  - c. The Texas Board filed formal administrative charges against Respondent based on the incident described above and set the matter for a hearing. Respondent failed to appear for the hearing.

### SECOND CAUSE FOR DISCIPLINE

## (Unprofessional Conduct)

10. Respondent is subject to discipline under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, Respondent committed acts constituting unprofessional conduct, as more particularly set forth in paragraphs 7 through 9, above.

#### **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 585703, issued to Kelechi Ugonna Olukaikpe;
- 2. Ordering Kelechi Ugonna Olukaikpe to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

1	3. Taking such other and further action as deemed necessary and proper.		
2	DATED: October 25, 2010 Louise & Sailey		
3	LOUISE R. BAILEY, M.E.D., RN Interim Executive Officer		
4	Board of Registered Nursing		
5	Department of Consumer Affairs State of California Complainant		
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